

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:96-CR-167-1H

UNITED STATES OF AMERICA,

v.

ROBERT MOSES WILKERSON.

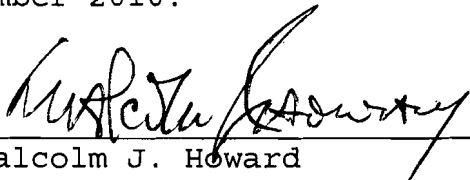
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ORDER

This matter is before the court on defendant's motion entitled "Defendant's Petition and Motion for a Writ of Audita Querela, Motion for a Court Appoint Attorney and Request for Order on Further Briefing if Needed" filed September 24, 2010. Defendant also, that same day, filed a separate motion for appointment of counsel.

The court has carefully reviewed defendant's motions, as well as the record in this matter, and finds the motion to be without merit. Defendant Wilkerson clearly states that the issue he seeks to raise was already raised on his direct appeal and the district court's decision was affirmed. Therefore, defendant's motions [DE #188 and #189] are DENIED.

This 15th day of November 2010.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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